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Message Text

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ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 FEA-01 ACDA-07 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00

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NSF-01 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 /127 W
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FM AMEMBASSY SOFIA
TO SECSTATE WASHDC PRIORITY 1570
INFO AMEMBASSY MOSCOW
AMEMBASSY WARSAW
AMEMBASSY BUCHAREST
AMEMBASSY COPENHAGEN

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E.O. 11652: NA
TAGS: EFIS BU PLOS US XN ICNAF
SUBJECT: US/BULGARIA NEGOTIATIONS ON GOVERNING INTERNATIONAL FISHERY AGREEMENT (GIFA)

SUMMARY: US DEL INITIATED SUBJECT NEGOTIATION WITH GOVERNMENT OF BULGARIA ON AUGUST 4. ALTHOUGH GOB DEL SAID IT ACCEPTED US MANAGEMENT AUTHORITY, THERE ARE CLEARLY SOME PROBLEMS IN PRINCIPLE, PARTICULARLY IN VIEW OF ON-GOING LOS NEGOTIATIONS. DESPITE THIS ISSUE AND ITS APPARENT LACK OF PREPARATION FOR FULL SCALE NEGOTIATIONS, GOB ENTERED PRODUCTIVE NEGOTIATIONS WITH US DEL AND APPEARS PREPARED TO SIGN GIFA LATER THIS YEAR. MOST GOB COMMENTS DEALT WITH PRACTICAL PROBLEMS IN TERMS OF CLARIFICATION OF LANGUAGE, FEES FOR FISHING, PERMIT PROCEDURES AND RECOURSE IN US OR OTHER COURTS IN INSTANCES OF "ILLEGAL" US
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SEIZURES OF GOB VESSELS. GOB DEL ALSO EXPRESSED KEEN INTEREST

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IN REFLECTING ECONOMIC COOPERATION WITH THE US IN THE GIFA.
A TRANSLLATION PROBLEM AROSE BETWEEN THE TWO DELS OVER THE WORD "PROXIMATELY" UNDER ART. VIII, PARA 5 OF THE GIFA. THE US DEL REQUESTS THE VIEWS OF L/OES ON THE RESOLUTION OF THIS ISSUE.
END SUMMARY.

SUBSTANTIVE GOB COMMENTS THUS FAR ON THE DRAFT GIFA ARE AS FOLLOWS:

1. PREAMBLE: GOB DEL SUGGESTED REFERENCE TO LOS DELIBERATIONS BE INSERTED, AND REQUESTED CLARIFICATION OF US POSITION ON ANADROMOUS SPECIES AND CSFR BEYOND 200 MILES. GOB SAID IT WOULD PROPOSE ADDITIONAL LANGUAGE FOR PREAMBLE.

2. ART. I: GOB INITIALLY PROPOSED ADDING "IN COMPLIANCE WITH THE INTERNATIONAL LAW OF THE SEA AND RULES OF RELEVANT INTERNATIONAL FISHERY ORGANIZATIONS" AT END OF ARTICLE. FOLLOWING US EXPLANATION OF PURPOSE OF ARTICLE, GOB SAID IT WOULD DEFER COMMENT UNTIL LATER IN NEGOTIATIONS.

3. ART. II, PARA 5 (C): GOB DEL REQUESTED CLARIFICATION IN GIFA RE "OTHER ACTIVITY" THAT CAN REASONABLY BE EXPECTED TO RESULT IN THE CATCHING, TAKING OR HARVESTING OF FISH...US DEL PROPOSED INSERTION OF "SUCH AS SCOUTING OR EXPLORATORY FISHING" AFTER THE WORDS "OTHER ACTIVITY". GOB DEL AGREED WITH US PROPOSAL.

4. ART. II, PARA 6 (B): GOB DEL EXPRESSED VIEW THAT PERMITS FOR FISHERY SUPPORT VESSELS SHOULD BE LIMITED TO PROCESSING AND REFRIGERATION VESSELS, THEREBY EXCEPTING TANKERS AND OTHER VESSELS WHICH PERIODICALLY SUPPLY THE BULGARIAN FISHING FLEET WITH FUEL, SUPPLIES, EQUIPMENT, CREW EXCHANGES, ETC. US DEL EXPLAINED THAT UNDER US LAW, VESSELS DESCRIBED BY GOB WOULD BE INCLUDED IN THE DEFINITION OF FISHING VESSELS AND THEREFORE REQUIRE PERMITS. GOB DEL REQUESTED TO DEFER QUESTION TILL LATER IN NEGOTIATIONS. REMAINDER OF ARTICLE II WAS ACCEPTABLE TO GOB.

5. ART III, PARA 1: GOB DEL SAID IT WOULD PROPOSE ADDITIONAL LANG-
UAGE TO EFFECT THAT US WILL TAKE INTO ACCOUNT THAT USG AND GOB HAVE ENTERED A BILATERAL AGREEMENT, AND THAT GOB WILL BE MAKING APPLICATIONS TO THE US FOR A PORTION OF THE SURPLUS AVAILABLE FOR LIMITED OFFICIAL USE

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FOREIGN COUNTRIES.

6. ART. IIIN PARA 2: GOB DEL EXPRESSED CONCERN OVER POSSIBLE DOWN-
WARD ADJUSTMENT IN ALLOCATIONS IN A CURRENT FISHING YEAR BECAUSE OF "UNFORESEEN CIRCUMSTANCES" AFTER PERMIT APPLICATIONS HAD BEEN ACCEPTED BY USG AND PERMITS WERE ISSUED TO GOB VESSELS. US DEL REPLIED THAT "UNFORESEEN CIRCUMSTANCES" MIGHT RESULT IN UPWARD AS WELL AS DOWNWARD ADJUSTMENTS AS A PRACTICAL MATTER WOULD NOT LIKELY

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OCCUR AFTER ALLOCATIONS ARE DETERMINED, AND, IN ANY EVENT, LANGUAGE IN GIFA IS INTENDED PRIMARILY TO PROVIDE USG FLEXIBILITY FOR ACTION SHOULD UNFORESEEN ADJUSTMENTS BE NECESSARY TO PREVENT OVERFISHING. GOB INDICATED THAT IT WOULD LIKE TO RETURN TO THIS LATER IN DISCUSSIONS, IN VIEW OF THEIR SERIOUS CONCERN.

7. ART. III, PARA 2 (A): GOB REQUESTED INSERTION OF "INCLUDING DATA RECEIVED BY THE CONTRACTING PARTIES AND RESPECTIVE INTERNATIONAL ORGANIZATIONS..." FOLLOWING THE WORDS "BEST AVAILABLE SCIENTIFIC EVIDENCE". US DEL REPLIED IT HAD NO PROBLEMS IN PRINCIPLE WITH GOB SUGGESTION.

8. ART. III, PARA 3, SUBPARAS (A) THROUGH (E): GOB SAID IT COULD TENTATIVELY AGREE, BUT WOULD LIKE TO CONSIDER FURTHER. US DEL EXPLAINED PARAS (A) THROUGH (E) DESCRIBE DISCRETIONARY PROVISIONS OF FISHERY MANAGEMENT PLANS, AND SINCE GOB AGREED WITH FIRST SENTENCE OF ART. IIIN PARA 3, US COULD AGREE TO DELETE SUBPARAS (A) THROUGH (E) IF NECESSARY. REMAINING PORTION OF ART. III WAS ACCEPTABLE.

9. ART. IV WAS ACCEPTABLE.

10. ART . V: GOB DEL SAID IT AGREES TO CONCEPT OF US MANAGEMENT AUTHORITY, BUT THAT THIS ARTICLE MIGHT CAUSE PROBLEM IN PRINCIPLE. GOB DEL SAID IT REQUIRED TIME TO REFER TO HIGHER AUTHORITY PRIOR TO MAKING SPECIFIC COMMENTS.

11. ART. VI: THE ONLY POINT RAISED IN THIS ARTICLE WAS THE LEVEL OF FEES TO BE PAID FOR PERMITS. GOB DEL REQUESTED SPECIFIC INFO ASAP.

12. ART. VII WAS ACCEPTABLE.

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NSF-01 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

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P R 090916Z AUG 76
FM AMEMBASSY SOFIA
TO SECSTATE WASHDC PRIORITY 1571
INFO AMEMBASSY MOSCOW
AMEMBASSY WARSAW
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13. ART. VIII, PARA 2: GOB DEL AGREED IN PRINCIPLE. TECHNICAL PEOPLE IN BOTH DELS ARE CONSULTING TO ESTABLISH BASIS FOR INCORPORATING SUCH EQUIPMENT ABOARD GOB VESSELS. REMAINDER OF ARTICLE WAS ACCEPTABLE.

14. ART. VIII, PARA 5: THE TWO DELS ENCOUNTERED TRANSLATING PROBLEM WITH TERM "PROXIMATELY CAUSED". AFTER SEVERAL PROPOSALS AND COUNTER PROPOSALS, US DEL OFFERED FOLLOWING PROPOSAL, SUBJECT TO CONCURRENCE OF L/OES:
"ALL NECESSARY MEASURES ARE TAKEN TO ENSURE THE PROMPT AND ADEQUATE COMPENSATION OF UNITED STATES CITIZENS FOR ANY LOSS OF, OR DAMGE TO, THEIR FISHING VESSELS, FISHING GEAR OR CATCH, PROVIDED THAT THE LIABILITY OF A BULGARIAN VESSEL IS ESTABLISHED."
THE REMAINDER OF THIS ARTICLE WAS ACCEPTABLE.
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15. ART. IX: THE GOB DEL RAISED SEVERAL QUESTIONS RE PARAS (1) AND (2), PARTICULARLY RE RECOURSE BY THE GOB IN US OR OTHER COURTS FOR LOSSES INCURRED BY GOB IN FISHING TIME, CATCH, ETC. SHOULD THERE BE AN UNLAWFUL SEIZURE AND ARREST BY US AUTHORITIES, OR IN INSTANCES WHERE THE GOB DESIRES TO CONTEST THE CASE. US DEL PROPOSED MATTER BE SET ASIDE UNTIL SUBSEQUENT NEGOTIATIONS WHEN US AND GOB LAWYERS CAN CONSULT, BUT NOTING THAT COUNTERSUIT IS ALWAYS POSSIBLE IN US COURTS.

16. ART. X WAS ACCEPTABLE.

17. ART. XI: GOB DEL AGREED WITH ARTICLE, BUT REQUESTED INFO RE "PRACTICE OF US SCIENTISTS". US DEL PROVIDED INFO DRAWN FROM ANNEX III OF RECENT US-GOP GIFA, DELETING ALL REFERENCES TO GOP AND TO STATISTICAL PROCEDURES FOR PACIFIC COAST. US DEL EXPRESSED WILLINGNESS TO ATTACH SUCH A DOCUMENT TO US-GOB GIFA

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AS ANNEX II, SO LONG AS THE ANNEX IS AMENDABLE.
COMMENT: IN PRIVATE DISCUSSION, DRAGNI NEDEV, DIRECTOR GENERAL OF STATE FISHING ECONOMIC ORGANIZATION AND CHAIRMAN OF GOB DEL, REQUESTED CONFIRMATION THAT GIFA WOULD COVER BOTH ATLANTIC AND PACIFIC COASTS. US SPOKESMAN REPLIED YES, BUT THAT USG, PACIFIC COAST INDUSTRY AND STATE FISHERY INTERESTS ARE SERIOUSLY CONCERNED RE ENTRY THIS YEAR OF 4 GOB TRAWLERS INTO PACIFIC HAKE FISHERY. IN VIEW OF CURRENT POOR STOCK CONDITIONS OF PACIFIC HAKE SPECIFICALLY, AND OTHER STOCKS GENERALLY, US ANTICIPATES A ZERO ALLOCATION TO GOB IN PACIFIC IN FORESEEABLE FUTURE.

18. ART. XII WAS ACCEPTABLE.

19. ART. XIII WAS ACCEPTABLE, HOWEVER, GOB DEL REQUESTED FURTHER INFO ON POSSIBLE PORT CALL PRIVILEGES. US DEL AGREED TO PROVIDE INFO LATER IN TALKS ON APPLICABLE LAWS, ETC. FOR CONSIDERATION. US DEL PLANS TO SOLICIT GOB VIEWS RE REQUESTED PORTS, BUT TO DEFER ISSUE UNTIL NEGOTIATIONS AT A LATER DATE WHEN IT IS ANTICIPATED ALL OTHER OUTSTANDING ISSUES CAN BE RESOLVED.

20. ART. XIV WAS ACCEPTABLE.

21. ART. XV WAS ACCEPTABLE.
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22. ART. XVI: GOB DEL REQUESTED ADDITION OF 3RD PARA TO EFFECT THAT GIFA WOULD CONTINUE IN FORCE BEYOND 1982 UNLESS TERMINATED SOONER BY EITHER PARTY WITH 6 MONTHS NOTICE. US DEL SAID IT HAD NO PROBLEM IN PRINCIPLE AND SUGGESTED THE ADDITION OF "OR THEREAFTER" FOLLOWING THE DATE JULY 1, 1982 IN PARA 1). THIS WAS ACCEPTABLE TO GOB DEL.

23. ANNEX I WAS ACCEPTABLE, HOWEVER GOB DEL REFERRED TO PARA 3 AND ASKED WHEN THE USG WOULD INFORM THE GOB OF THE CONDITIONS AND RESTRICTIONS FOR PERMIT APPLICATIONS. THE US DEL ESTIMATED THAT IT MIGHT TAKE 90 DAYS AFTER RECEIPT OF THE PARMIT APPLICATIONS. THE LIMITED TIMEFRAME IN TERMS OF MEETING PERMIT REQUIREMENTS UNDER THE GLAW BY MARCH 1, 1977, REGISTERED SERIOUS CONCERN IN THE GOB DEL. THE GOB ALSO RAISED A HYPOTHETICAL QUESTION UNDER PARA 5 CONCERNING HOW THE US WOULD CHARGE FEES FOR REPLACEMENT VESSELS IF VESSEL WITH A PERMIT IS LOST (E.G. PRORATION) AT SEA, AND HOW SUCH A REPLACEMENT VESSEL COULD GET A SEPARATE PERMIT IN TIME TO PARTICIPATE IN THE DESIGNATED FISHING. THE US DEL ACKNOWLEDGED THAT THE LAW IS COMPLEX AND THAT ADMINISTRATIVE PROCEDURES MUST BE WORKED OUT SOON TO AVOID CONFUSION ON SUCH ISSUES.

24. GOB DEL SAID IT WOULD PROPOSE NEW ARTICLE IN AGREEMENT RE

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ECONOMIC COOPERATION, E.G., JOINT VENTURES, FISH PROCESSING
AND TRADE, AND COOPERATION WITH THIRD PARTIES. US DEL SAID
IT WOULD REVIEW GOB PROPOSAL FOR LATER CONSIDERATION, BUT AS AN
AGREED MINUTE RATHER THAN A SEPARATE ARTICLE.

COMMENT: US DEL IS AWARE OF US-GOB JOINT ECONOMIC COMMISSION
AND PLANS TO DRAFT AGREED MINUTE ALONG LINES OF THAT IN RECENT
US-GOP GIFA TO HANDLE GOB PROPOSAL.

25. HAVING LEARNED ONLY DAY BEFORE (STATE 189758) THAT TEAM HAD
AUTHORITY TO CONDUCT FULL-SCALE NEGOTIATIONS, GOB HAD NOT ANTICI-
PATED IN-DEPTH DISCUSSION OF GIFA. HEAD OF GOB DEL ON MEETING
US TEAM ON ARRIVAL SUGGESTED MEETINGS ON WEDNESDAY ONLY,
FOLLOWED BY SIGHT-SEEING TRIP THROUGH SATURDAY. TEAM
REPLIED IT HAD OTHER COMMITMENTS AND WOULD DEPART SOFIA SOONEST
AFTER CONCLUSION OF TALKS. TEAM ALSO MET WITH AMBASSADOR HERZ,
WHO MADE OPENING STATEMENT AT WEDNESDAY TALK. US DEL MADE CLEAR
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IT WAS PREPARED TO NEGOTIATE AND AUTHORIZED TO SIGN GIFA. GOB
TEAM SAID IT HAD NO AUTHORITY TO SIGN, BUT UPON REMARKS BY
AMBASSADOR AND TEAM, REARRANGED SCHEDULE TO ACCOMMODATE
SUBSTANTIVE NEGOTIATIONS TO RESOLVE AS MANY ISSUES AS POSSIBLE
WITH VIEW TO SIGNING GIFA LATER THIS YEAR IN WASHINGTON, DC.

26. DISCUSSIONS WERE CONDUCTED IN A MOST FRIENDLY ATMOSPHERE.
GOB TEAM, AS UNIT WAS OBVIOUSLY ILL PREPARED AT OUTSET FOR
SUBSTANTIVE TALKS AND SPENT AS MUCH TIME ARGUING AMONGST SELVES
AS IN NEGOTIATING WITH US. AT SAME TIME, US TEAM FEELS SUBSTANTIAL
PROGRESS CAN BE MADE AND GOB NOW HAS MUCH CLEARER IDEA OF US LAW
AND IMPORTANCE OF OBTAINING GIFA.

27. US DEL WILL REPORT AGAIN SEPTEL AND
ANTICIPATES AS JOINT DELEGATION REPORT WHICH WOULD REFER TO DRAFT
TEXT, BRACKETED AS NECESSARY WITH COMMITMENT TO HOLD SUBSEQUENT
NEGOTIATIONS IN WASHINGTON THIS FALL. (SPECIFIC
SCHEDULING TO BE WORKED OUT LATER.)
HERZ

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Decaption Date: 01 JAN 1960
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